



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH, DEVELOPMENT AND ACQUISITION
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

12 August 1996
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MEMORANDUM FOR DISTRIBUTION

Subj : CLASS DEVIATION--AWARD OF CONTRACTS WHICH INCLUDE CLAUSES
FROM THE FEDERAL INFORMATION RESOURCES "MANAGEMENT
REGULATION (FIRM)

In response to the repeal of the Brooks Act under the Information-Technology Management Reform Act (ITMRA) of 1996, the General Services Administration abolished the FIRM as of 8 August 1996. As a result of this action, questions have been raised with respect to whether activities can proceed to award contracts based on solicitations issued prior to 8 August 1996 which include FIRM clauses in Section I, since these clauses are no longer prescribed by regulation.

To eliminate any concerns and to facilitate transition, I hereby authorize all DoN activities to award contracts which include FIRM clauses in Section I, when such contracts result from solicitations issued prior to August 8, 1996 and it is impractical to amend the solicitation prior to award. To the extent contracts awarded pursuant to this authorization deviate from requirements of the FAR or DFARS because they include FIRM clauses in Section I, this memorandum may be deemed authority for a class deviation under FAR 1.404.

Elliott B. Branch

Elliott B. Branch
Executive Director
Acquisition & Business
Management

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